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Delta Protection Commission

February 9, 2012

Mr. Phil Isenberg, Chair
Delta Stewardship Council
980 Ninth Street, 15th Floor
Sacramento, CA 95814

**Re: Delta Conservancy Comments on the Delta Protection Commission's Proposal
to Protect the Delta as an Evolving Place**

Dear Chair Isenberg:

Thank you for the opportunity to provide comment on the Conservancy's concerns regarding Item 7 on the Agenda, "*The Delta Protection Commission's Proposal to Protect the Delta as an Evolving Place*". First I will provide general comments followed by comments specific to individual recommendations.

In September, the Conservancy submitted written comments on the Second Public Draft of the Economic Sustainability Plan (ESP) and expressed our concern regarding the total lack of mention of the Delta Conservancy in the document (see attached). Upon reading the document under consideration by you today, the Conservancy is disappointed that the Delta Protection Commission (DPC) did not coordinate with us on the development of this document. In our opinion there is a great deal of redundancy between the roles they propose for themselves and the role the legislature envisioned for the Delta Conservancy. One of the surest ways for the State to lose credibility in the Delta is to have two State organizations undertaking overlapping efforts that are not in coordination with one another.

Given that the new proposal ignores our previously submitted comments, and again does not contain a single reference to the Conservancy nor the coordination of our roles as specified in the legislation (PRC 32322(b)(1-12), and 32360(b)(3)), it appears to us a deliberate attempt to circumvent the legislation and ignore our repeated requests for coordination and equal consideration. I hope that the Council will be reluctant to entertain a proposal that so obviously lacks coordination with closely related entities and clearly contradicts the Council's mandate (Water Code Section 85022)(d)(4) to "encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses...in the Delta."

Under the Sacramento-San Joaquin Delta Conservancy Act of 2009 (SBX7-1) the Conservancy's co-equal responsibilities are to "act as a primary state agency to implement ecosystem restoration in the Delta" and "support efforts that advance environmental protection and the economic well-being of Delta residents" (PRC

32322(a) and (b). The Legislature also established the Sacramento-San Joaquin Delta Conservancy Fund (currently unfunded), so funds may be allocated to a separate program within the Conservancy for economic sustainability in the Delta, based upon the DPC's Economic Sustainability Plan. The refusal on the DPC's part to acknowledge the Legislature's intent in this instance is both staggering and puzzling.

The Conservancy is mid-way through completing its Strategic Plan. Through our extensive outreach efforts, we have been out in the Delta, talking with people personally and in groups. We have made small, yet significant steps forward in developing an assistance program for Delta residents to pursue funding for their economic and cultural interests through grants and grant writing. We hope the Council will consider inviting us to give a fuller presentation of our Strategic Plan and our other efforts.

The following general recommendations contained in the DPC's *"Proposal to Protect the Delta as an Evolving Place"* document are directly related to the responsibilities set forth for the Delta Conservancy in the Sacramento-San Joaquin Delta Conservancy Act:

1. **Recommendations 1.6 – 1.8** – PRC 32322(b)(5) requires that the Delta Conservancy "increase the resilience of the Delta to the effects of natural disaster...in coordination with the Delta Protection Commission".
2. **Recommendations 2.1 and 2.3** – PRC 32322(b) and 32322(b)(4), (7), and (8) require that the Conservancy "supports efforts that advance...the economic well-being of Delta residents" and "promote... economic vitality in the Delta, in coordination with the Delta Protection Commission" and "assist the Delta regional economy through the operation of the Conservancy's program"...and "identify priority project for which funding is needed".
3. **Recommendation 3.3 – 3.5:** PRC 32322(b)(2)-(3) requires that the Conservancy "protect and preserve Delta agriculture and working landscapes" and "provide increase opportunities for recreation and tourism".

As discussed previously, there is no mention in the DPC's proposal of coordination among the DPC and the Conservancy regarding areas of overlap. Whether the subject matter legislatively mandates said coordination or common sense dictates said cooperation; cooperation has been notably absent.

It is in the best interest of all State agencies working to manage the conditions in the Delta that consideration and cooperation be given high priority. The Council can underscore that message by deferring taking action on this item and encouraging the DPC to coordinate with the Conservancy before moving forward.

For the comments on specific recommendations, I will be referring to the Commission's tables in the *"Proposal to Protect the Delta as an Evolving Place"* document before you today, and have focused my comments only on a few of the items suggested as consistent with the Delta Reform Act, as specified in your staff report:

1. Table 2, page 6, item 1.2: if the Council considers designating a regional agency to implement and facilitate economic development efforts, add the Delta Conservancy as a existing entity lead this effort.
2. Table 3, page 7, item 3.2: it is consistent with the Conservancy's efforts and legislative mandates to fulfill this proposal of limiting loss of productive farmland. We are working with the county farm bureaus, local farmers, and land trusts with this objective in mind. For example, as part of our strategic

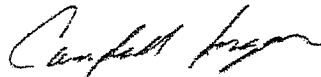
planning effort we are working on a good neighbor policy regarding habitat restoration on public land adjoining private land to minimize the impact of the restoration to the private landowner. Because of these, the Conservancy sees a leadership role for itself in this area as a partner with state, federal, and local agencies as well as with non-governmental agencies.

3. Table 4, page 8, item 4.3: the Conservancy has a role in coordinating state and local agencies, leading efforts for Delta residents to develop a regional marketing identity, and being a catalyst for projects.
4. Table 8, page 12, item 8.5: Council staff notes that this item could be considered in the Delta Science Plan. The Conservancy suggests that there is a place and a role for the lived wisdom of the Delta residents to be included in many of the Delta Science Program's forums, research, and study efforts.

There are several other areas in the proposal where we think the Conservancy's efforts are consistent with or complementary to those being proposed by the DPC. We ask that the Council continue to keep the Conservancy and its efforts in mind and up front as it completes its Delta Plan.

Given that our mandates and those of the DPC have commonalities, we suggest that the Council and DPC join us in developing a shared understanding of how our agencies' roles can be achieved in a complementary and coordinated fashion.

Thank you.



Campbell Ingram
Executive Officer

Enclosure – Delta Conservancy's comments on the Second Public Draft of the Economic Sustainability Plan, dated September 2, 2011



SACRAMENTO - SAN JOAQUIN

DELTA CONSERVANCY

Vision

As the primary state agency to implement Delta ecosystem restoration and lead efforts that advance environmental protection and economic well-being of Delta residents, our vision is:

The Conservancy leads the efforts in collaboration and cooperation with local communities and others to preserve, protect and restore the natural resources, economy, and agriculture of the Sacramento-San Joaquin Delta and Suisun Marsh, with a particular emphasis on agriculture. Our vision is a set of programs that demonstrate the complexity of economic and environmental objectives, resulting in a rich, diverse, restored, and accessible Sacramento-San Joaquin Delta and Suisun Marsh.

Because of the importance of agriculture to both the economy and the environment of the Delta, the Conservancy anticipates a particular emphasis on working agricultural landscapes.

Mission Statement

Working in collaboration and cooperation with local communities, the Conservancy will lead efforts and establish partnerships to protect, preserve, enhance, and restore the Delta's environment, agriculture and working landscapes, heritage, property, regional economy, and increase opportunities for tourism and environmental education for the benefit of the Delta region, its communities, and the citizens of California.

Responsibilities

1. *Protect and enhance habitat and habitat restoration*
2. *Protect and preserve Delta agriculture and working landscapes*
3. *Provide increased opportunities tourism and recreation in the Delta*
4. *Promote Delta legacy communities and economic vitality in the Delta*
5. *Increase the resilience of the Delta to the effects of natural disasters such as floods and earthquakes*
6. *Protect and improve water quality*
7. *Assist the Delta regional economy through the operation of the Conservancy's programs*
8. *Identify priority projects and initiatives for which funding is needed*
9. *Protect, conserve, and restore the region's physical, agricultural, cultural, historical, and living resources*
10. *Assist local entities in the implementation of their habitat conservation plans (HCP's) and natural community conservation plans (NCCP's)*
11. *Facilitate "take" protection and safe harbor agreements*
12. *Promote environmental education*

Public Resources Code § 32322





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Maria Rea
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U.S. Army Corps of Engineers

Michael Villines
Central Valley Flood Protection Board

Mark Wilson
Delta Protection Commission

September 2, 2011

Via E-Mail

Honorable Don Nottoli, Chair
Delta Protection Commission
c/o Sacramento County
700 H Street, Room 2450
Sacramento, CA 95814

Mike Machado, Executive Director
Delta Protection Commission
14215 River Road
PO Box 530
Walnut Grove, CA 95690

Re: Comments on the Public Draft of the Economic Sustainability Plan for the Sacramento-San Joaquin Delta

Dear Chair Nottoli and Mr. Machado:

We appreciate the opportunity to review and provide comment on the first public draft of the Economic Sustainability Plan ("ESP").

Conservancy staff recently met with several members of the ESP consultant team. From our perspective the meeting was very productive and as a result many of our initial comments were sufficiently addressed. The comments provided below are general in nature and should be construed to apply to the entire ESP unless otherwise indicated.

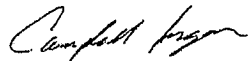
1. The Conservancy was born out of the same legislation, SBX7-1, that mandated the preparation of the ESP. However, there is no mention of the Conservancy's role, as mandated in our enabling legislation, in economic development and the promotion of recreation and tourism in the Delta. Specifically, the legislation states that the Conservancy shall "provide increased opportunities for recreation and tourism" (§32300(h)(3)).
2. There are many instances in the ESP where "wildlife viewing activities and other ecologically based activities" are identified as recreation activities that are unlikely to generate significant increase in economic activity, relative to agricultural inputs. Other sections recognize increased ecosystem based tourism as one of the most important elements of increased economic activity in the Delta. Our concern is that the context of these statements is not sufficient to avoid confusion and may lead to a perception that the ESP is down-playing the very real contribution that these activities can make to the Delta economy.
3. There are several references to the need for an existing agency to be designated to manage and implement economic sustainability efforts in the Delta. The ESP recommends that the Delta Protection Commission consider filling this role. The Conservancy is in the process of completing its Strategic Plan. Through the Strategic Plan process the Conservancy, guided by input from local interests, will

define its role in promoting recreation and tourism in the Delta and provide a blueprint for such activity across the Delta. The statement (pg xiv) "The Delta Protection Commission should consider taking on this role" could be amended to read "The Delta Protection Commission should consider taking on this role in coordination with the Delta Conservancy".

4. Similarly to item 3 above, references to the Delta Improvement Fund throughout the ESP could be amended to include the Delta Conservancy Fund. The Delta Conservancy Fund was established by SBX7-1 and its funds shall be used to support the Conservancy's mandates including the promotion of recreation and tourism and efforts that "support the economic well-being of Delta residents".
5. The ESP clearly states that one of the constraints to increasing recreation and tourism in the Delta is the potential increase of instances of trespassing, vandalism, littering, etc. It has been the Conservancy's experience, in our interactions with Delta residents and local government, that underfunded and understaffed enforcement is a key driver in perceptions about increased recreation and tourism opportunities. The "Overview and Key Finding" section of Chapter 7 (pg 108) should be amended to include the critical issue of enforcement mechanisms and responsibilities in the Delta.
6. The description of the "five location-based strategies" (pg 108-109) should be amended to include the expansion of public access to both existing and planned natural habitat areas.

Again, thank you for the opportunity to review the ESP and provide comments. We will continue to be actively engaged in this process and look forward to the release of the next draft document.

Sincerely,



Campbell Ingram
Executive Officer

CC: Sacramento-San Joaquin Delta Conservancy Board